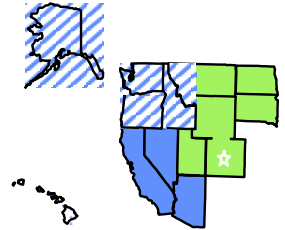




US Army Environmental Center Western Regional Environmental Office REGION 9 – DECEMBER 2003 WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 9 area: Arizona, California, Hawaii and Nevada. We appreciate your feedback. Please contact the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0954, or fax: (303) 844-0951.

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E-mail Subscriptions to WREO Monthly Reviews

The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: #wreo@rma.army.mil. Write "Subscription" as the subject and include your name and e-mail address in the body of the message.

Past issues of the Regional Reviews are available at <http://aec.army.mil> under "Regional Offices."

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

FINAL RULE – REVISION OF NSR RULES – On 7 November 2003 (68 FR 63021), EPA revised regulations governing the major New Source Review (NSR) programs by including a definition of "replacement unit" and clarifying that the plantwide applicability limitation baseline calculation procedures for newly constructed units do not apply to modified units. The revisions will be effective 6 January 2004. For further information, contact Lynn Hutchinson, EPA at (919) 541-5795, or e-mail: hutchinson.lynn@epa.gov.

FINAL RULE – NESHAP FOR MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING – On 10 November 2003 (68 FR 63851), EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for miscellaneous organic chemical manufacturing facilities. The final rule establishes emission limits and work practice standards for new and existing miscellaneous organic chemical manufacturing process units, wastewater treatment and conveyance systems, transfer operations, and associated ancillary equipment and implements section 112(d) of the Clean Air Act by requiring all major sources to meet hazardous air pollutants (HAP) emission standards reflecting application of the maximum achievable control technology (MACT). The HAP emitted from miscellaneous organic chemical manufacturing facilities include toluene, methanol, xylene, hydrogen chloride, and methylene chloride. The standards will reduce HAP emissions by 16,800 tons per year from existing facilities. The NESHAP was effective 10 November 2003. For further information, contact Randy McDonald, EPA at (919) 541-5402, or e-mail: mcdonald.randy@epa.gov.

FINAL RULE – NESHAP FOR SURFACE COATING OF METAL CANS – On 13 November 2003 (68 FR 64431), EPA promulgated NESHAP for metal can surface coating operations located at major sources of HAP. The final standards require these operations to meet HAP emission standards reflecting the application of MACT. The HAP emitted by these facilities include ethylene glycol monobutyl ether and other glycol ethers, xylenes, hexane, methyl isobutyl ketone, and methyl ethyl ketone. The final standards are expected to reduce nationwide HAP emissions from major sources in this source category by approximately 6,800 tons per year. The NESHAP was effective 13 November 2003. For further information, contact Paul Almodovar, EPA at (919) 541-0283, or e-mail: almodovar.paul@epa.gov.

NOTICE OF AVAILABILITY – REGIONAL HAZE GUIDANCE DOCUMENTS – On 17 November 2003 (68 FR 64894), EPA announced the availability of guidance to assist states in implementing federal regulations governing regional haze. These documents address the establishment of natural visibility conditions and the tracking of progress under the regional haze program. For further information, contact Neil Frank, EPA at e-mail: frank.neil@epa.gov, or link: <http://www.epa.gov/ttn/amtic/visinfo.html>.

WASTE INFORMATION:

PROPOSED RULE – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE – On 20 November 2003 (68 FR 65585), EPA proposed to modify its hazardous waste management regulations under the Resource Conservation and Recovery Act (RCRA) for certain solvent-contaminated materials, such as reusable shop towels, rags, disposable wipes and paper towels. This proposal affects contaminated industrial wipes being sent to both landfill and non-landfill (e.g., laundries and combustion) facilities and is applicable to: industrial wipes exhibiting a hazardous characteristic due to use with solvents; or industrial wipes contaminated with F001-F005 spent F-listed solvents or comparable P- and U-listed commercial chemical products that are spilled and cleaned up with industrial wipes. Comments are due by 18 February 2004. For further information, contact Kathy Blanton, EPA at (703) 605-0761, or e-mail: blanton.katherine@epa.gov.

WATER INFORMATION:

NOTICE OF AVAILABILITY – SMALL SYSTEM GUIDE TO SAFE DRINKING WATER REGULATIONS EPA recently published a booklet titled "Small Systems Guide to Safe Drinking Water Regulations – The First Step to Providing Safe and Reliable Drinking Water." The Guide provides general information about the various Safe Drinking Water Act regulations, how the regulations relate to each other, and how the regulations fit into the multi-barrier approach to drinking water protection. EPA also published a booklet titled "Asset Management: A Handbook for Small Water Systems." The guidance is posted on line at <http://www.epa.gov/safewater/smallsys/ssinfo.htm>. For more information, contact Andrew Bielanski, EPA at (202) 564-3824.

NOTICE OF AVAILABILITY –OFFICE OF WATER 2004- 2008 STRATEGIC PLAN – EPA recently adopted a new Strategic Plan for 2004-2008. Key elements of the National Water Program are addressed in Goal 2 (Clean and Safe Water) and Goal 4 (Healthy Communities and Ecosystems). The Plan includes clear and measurable statements of environmental and health goals that EPA expects to accomplish by 2008. The Plan has contributed to the development of EPA's FY05 budget and will continue to support future budget and resource allocation decisions. The Plan is available on line at <http://www.epa.gov/water/waterplan/>.

NOTICE OF AVAILABILITY – NEW GUIDELINES FOR NATIONAL NONPOINT SOURCE PROGRAM EPA has published new guidelines for the National Nonpoint Source (NPS) Program implemented under section 319 of the Clean Water Act. These guidelines replace all previous NPS grants guidelines beginning in fiscal year 2004. The guidelines focus approximately one-half of section 319 dollars on the remediation of impaired waters through the development of total maximum daily loads (TMDLs), and the development and implementation of watershed-based plans. These plans provide an analytical framework for assessing the sources of water pollution; estimating the amount of pollutant reduction needed to achieve water quality standards; identifying the management measures whose implementation will enable those reductions to be achieved; and identifying financial and regulatory tools that will enable the watershed plan's goals to be achieved. These guidelines are posted on line at <http://www.epa.gov/owow/nps/>.

NOTICE OF AVAILABILITY – WATER QUALITY STANDARDS DATABASE RELEASE 5.0 - EPA has recently published the Water Quality Standards Database Release 5.0 (WQSDB). The WQSDB is a single point of access to EPA and state water quality standards (WQS) information. The WQSDB provides access to several WQS reports that provide information about designated uses, water body names, state numeric water quality criteria, and EPA recommended numeric water quality criteria. It also allows users the ability to compare WQS information across the nation using standard reports. The WQSDB is available on-line at <http://www.epa.gov/wqsdatabase/>.

GENERAL INFORMATION:

NOTICE OF AVAILABILITY – PERCHLORATE TOXICOLOGICAL REVIEW – EPA has released a report summarizing a peer review of EPA's "Draft Perchlorate Environmental Contamination: Toxicological Review And Risk Characterization." Generally the review panel was supportive of EPA's work, but the report concludes with a page-long list of recommendations for additional research covering a wide range of areas. Most reviewers were opposed to one of several uncertainty factors applied by EPA in calculating a proposed reference dose of 0.00003 mg/Kg/Day. Removal of this uncertainty factor for "database insufficiencies in immunotoxicity" would presumably increase the reference dose by a factor of three. The report is available at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=51762>. In the interest of resolving scientific questions, EPA, DoD, DOE, and NASA have referred scientific issues to the National Academy of Sciences (NAS) for review. The 19 March 2003, [transmittal letter](#) to the NAS describes the scope and focus of its review. The first meeting of the NAS perchlorate review panel was held on 27 October 2003, in Washington, D.C. For further information, contact Annie Jarabek, EPA at (919) 541-4847, or link: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=72117>.

REQUEST FOR COMMENTS – TOXIC CHEMICAL RELEASE REPORTING – On 5 November 2003 (68 FR 62579), EPA requested public comment on options for reducing the burden on the regulated community associated with the Toxics Release Inventory (TRI) program. EPA also solicited comments on potential enhancements to its TRI reporting software. A background paper on various burden reduction options is available at http://www.epa.gov/tri/phase2/phase_2.htm. For further information, contact Larry Reisman, EPA at (202) 566-0751, or e-mail: reisman.lary@epa.gov.

**GENERAL INFORMATION**

PROPOSED RULE – DESIGNATION OF CRITICAL HABITAT FOR MEXICAN SPOTTED OWL – On 18 November 2003 (68 FR 65020), the U. S. Fish and Wildlife Service (FWS) proposed to designate additional critical habitat for the Mexican spotted owl (*Strix occidentalis lucida*). FWS issued a final rule on 1 February 2001 (66 FR 8530) that did not include some Forest Service and tribal lands that had been proposed for designation as critical habitat. This final rule is still in effect while FWS reconsiders the issuance of a new final rule. The Mexican spotted owl inhabits canyon and forest habitats in several states, including Arizona, Colorado and Utah. Comments will be accepted until 18 December 2003. For further information, contact Joy Nicholopoulos, FWS at (505) 761-4706.

NOTICE OF AVAILABILITY – EXECUTIVE ORDER 13287: IMPLEMENTATION GUIDANCE – On 19 November 2003 (68 FR 65238), the Advisory Council on Historic Preservation (ACHP) released advisory guidelines to assist Federal agencies that manage real property in preparing the assessments and reports outlined in Executive Order 13287 (Preserve America) of 3 March 2003. The ACHP will use the agency's information to prepare its report for the President on the state of the Federal Government's historic properties and their contribution to local economic development. For further information, contact Charlene Vaughn, ACHP at (202) 606-8505, or link: <http://www.achp.gov/PA-EOguidelines.pdf>.

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UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS

"AN ORGANIZATIONAL GUIDE TO POLLUTION PREVENTION" WORKSHOP

9-11 December 2003 – Philadelphia, Pennsylvania

EPA is hosting this workshop to help organizations get P2 programs started or to reevaluate existing P2 programs. The guide presents an alternative method for working P2 projects and plans, and four approaches to implementing P2 and environmental planning within an organization. There is no registration fee for the workshop. For further information, visit the workshop website at www.epa.gov/ttnrmrl/p2workshop.htm.

APPLIED CLEAN AIR ACT

16-18 December 2003 – Orlando, Florida

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rti.org>.

ENVIRONMENTAL LAWS AND REGULATIONS

18-20 December 2003 – Richland, Washington

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rti.org>.

CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT

5-8 January 2004 – New Orleans, Louisiana

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. For more information, link: <http://www.battelle.org/rangecon>.

WATER SOURCES CONFERENCE & EXPOSITION

11-15 January 2004 – Austin, Texas

The American Water Works Association is sponsoring this conference with separate tracks in Conservation, Resources Management, and Water Reuse. The conference will present the latest technological innovations and practical applications in these three topics. The newest products and services will be displayed at the Water Sources Exposition. For more information or to register, link: <http://www.awwa.org/conferences/sources/>.

ADVANCED RISK COMMUNICATION WORKSHOP

13-15 January 2004 – San Diego, California

2-5 August 2004 – Salt Lake City, Utah

The Army Center for Health Promotion and Preventive Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed below (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style

discussions of "hot" issues impacting military health and readiness. For more information or to register, call (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

2004 NORTH AMERICAN ENVIRONMENTAL FIELD CONFERENCE

14-16 January 2004 – Tampa, Florida

This conference will feature 40 papers discussing cutting-edge field-based technology for environmental site characterization and monitoring. An educational exposition will include state-of-the-science environmental field equipment and services. For more information or to register, link:

<http://www.envirofieldconference.com>.

CERCLA ORIENTATION AND REMEDIAL INVESTIGATION/FEASIBILITY STUDY

27-27 January 2004 – Richland, Washington

RTI is offering this course for personnel that have little or no experience in the basic background and implementation of CERCLA. Participants are provided with an in-depth review of the Remedial Investigation/Feasibility Study (RI/FS) process as it applies to environmental restoration programs. Following an overview of the CERCLA Process, the course focuses on the RI/FS process and addresses site characterization, risk assessment, and remedy selection issues. Attention is also given to public involvement in the cleanup process. For more information or to register, call (803) 652-8830, or link <http://www.rti.org>.

2004 CONFERENCE ON SCIENCE, POLICY AND ENVIRONMENT

29-30 January 2004 – Washington, DC

The National Council for Science and the Environment is presenting the 4th National Conference on Science, Policy and the Environment with the theme: "Water for a Sustainable and Secure Future." The conference will explore the role of science in achieving sustainable relationships among water, people, and the environment. For more information or to register, link:

<http://www.ncseonline.org/NCSEconference/2004conference/>.

ENVIRONMENTAL IMPACTS OF PRESERVATIVE TREATED WOOD

8-11 February 2004 – Orlando, Florida

The University of Florida and the National Science Foundation are sponsoring this conference to bring together experts in the field of preservative treated wood who will share research results and develop a research agenda for future studies. Conference topics include critical issues associated with preservative treated wood, and new technologies for managing discarded treated wood. For more information or to register, call (352) 392-1701, or link: <http://fices.org>.

McCOY RCRA SEMINAR

9-13 February 2004 – Phoenix, Arizona

21-25 June – Portland, Oregon

McCoy and Associates is offering this RCRA training with five sessions at each seminar: 1) RCRA Fundamentals; 2) Critical Generator Issues; 3) Advanced RCRA Topics I; 4) Advanced RCRA Topics II and Land Disposal Restrictions I; and 5) Land Disposal Restrictions II and RCRA Rules Under Development. The seminar is designed for hazardous waste generators, environmental managers, compliance specialists, environmental consultants, and environmental attorneys. For more information or to register, call (303) 526-2674, or link: <http://www.mccoyseminars.com>.

CLEANUP SITE CLOSURE: REGULATORY & ADMINISTRATIVE ACTIVITIES

17-18 February 2004 – Idaho Falls, Idaho

RTI is offering this course for personnel who are involved in the planning and implementation of closure and post-closure activities at hazardous and mixed waste management facilities or environmental restoration projects. The course will provide an overview of RCRA requirements for landfills, storage pads, and contaminated areas. It will also cover effective ways to plan for the integration of closure among units regulated under different programs. For more information or to register, call (803) 652-8830, or link <http://www.rti.org>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOP**24-26 February 2004 – Seattle, Washington****27-29 April 2004 – Honolulu, Hawaii**

The Army Center for Health Promotion and Preventive Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and use strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, link <http://chppm-www.apgea.army.mil/risk>.

HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE**24-26 February 2004 – Jacksonville, Florida****20-22 April 2004 – San Antonio, Texas****20-22 July 2004 – Annapolis, Maryland**

This course emphasizes legal compliance with the National Historic Preservation Act Section 106 process using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link: <https://www.cecos.navy.mil>.

NATURAL RESOURCES COMPLIANCE**24-27 February 2004 – San Antonio, Texas****22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link: <https://www.cecos.navy.mil>.

2ND ANNUAL ARMY ENVIRONMENTAL TRAINING SYMPOSIUM**1-5 March 2004 – Kansas City, Missouri**

The Army Engineer School is hosting this symposium to provide environmental training to installation (Active Army, National Guard, and Army Reserve) environmental personnel and installation stakeholders. Training topics include 1) satellite accumulation point operator; 2) hazardous materials handler; 3) HAZWOPER 8-hour refresher; 4) pollution prevention; and 5) spill prevention and response. For more information, call (573) 563-4124.

INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS**16-18 March 2004 – New Orleans, Louisiana****17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link: <https://www.cecos.navy.mil>.

30TH ENVIRONMENTAL AND ENERGY SYMPOSIUM**5-8 April 2004 – San Diego, California**

The National Defense Industrial Association is presenting this symposium to provide a national forum for the exchange of technical information, government policy, regulations, programs, and law; and new ideas on environmental and energy issues, performance tracking, and areas of concern. The theme of the symposium is: "DoD Transformation Leading Towards Results-Based Environmental and Energy Programs." This event is intended for industry leaders, practitioners, environmental and energy officials, operators, and other personnel within government agencies. For more information, contact Naomi Mundy at (703) 247-9476, Or link: <http://www.ndia.org>.

NATIONAL ENVIRONMENTAL ASSISTANCE SUMMIT**19-22 April 2004 – Baltimore, Maryland**

EPA has announced the merger of the National Pollution Prevention Roundtable Spring Conference and the National Compliance Assistance Providers Forum. This summit, titled "One Environment/One Conference," will cover advances and innovations in environmental issues and solutions, pollution prevention, and compliance assistance programs, methods, technologies and environmental policies. For more information, call (202) 299-9701, or link: <http://www.p2.org/summit2004/>.

ACCELERATING SITE CLOSEOUT**15-17 June 2004 – Dallas, Texas**

The Federal Remediation Technologies Roundtable is sponsoring this conference with the theme: "Improving Performance and Reducing Costs Through Optimization." The goals of the conference are to: 1) outline long-term remediation liabilities and optimization needs and opportunities; 2) disseminate existing and emerging optimization strategies, technologies, tools, and science; 3) communicate lessons learned and identify technical, institutional, contractual, and other enhancements and encumbrances to achieving positive optimization results; and 4) present remedial optimization within the context of site-wide and multi-site management programs. For more information or to register, link: <http://www.clu-in.org/siteopt/siteopt.htm>.

2004 COMMUNITY INVOLVEMENT CONFERENCE**15-18 June 2004 – Denver, Colorado**

EPA is sponsoring this 7th annual conference to share lessons learned and to establish and monitor its standards for community involvement. The conference will cover the entire scope of public participation, community involvement, partnership building, and outreach and education related to all aspects of environmental protection. For more information, link: <http://www.epancic.org/2004>.

9TH ANNUAL JOINT SERVICES ENVIRONMENTAL MANAGEMENT CONFERENCE**16-19 August 2004 – San Antonio, Texas**

The National Defense Industrial Association is presenting this conference and exhibition ((formerly the Joint Services Pollution Prevention and Hazardous Waste Management Conference and Exhibition). The theme of the 2004 conference is "Sustaining the Force: Optimizing Readiness Through the Prevention of Pollution." For more information, contact Naomi Mundy at (703) 247-9476, Or link: <http://www.ndia.org>.

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



ARIZONA

Regulatory Developments & Other State Information

NOTICE OF AVAILABILITY – SUPPLEMENT TO RECOVERY PLAN FOR SONORAN PRONGHORN

On 26 November 2003 (68 FR 66477), the U.S. Fish and Wildlife Service (FWS) announced the availability of a Final Supplement and Amendment to the 1998 Final Revised Sonoran Pronghorn (*Antilocapra americana sonoriensis*) Recovery Plan. The species is currently known to occur on Federal lands in Maricopa, Pima, and Yuma counties in southwestern Arizona. The Final Supplement and Amendment reassesses recovery criteria from the Recovery Plan, relates recovery actions to the five listing factors of the Endangered Species Act, and assigns a timeline to recovery actions. The supplement is available at <http://arizonaes.fws.gov>. For further information, contact John Morgart, FWS at (520) 387-4989, or e-mail: john_morgart@fws.gov.

WATER INFORMATION:

FINAL RULE – WITHDRAWAL OF FEDERAL NUTRIENT STANDARDS – On 6 November 2003 (68 FR 62740), EPA took final action to withdraw water quality criteria applicable to Arizona. In 1976, EPA promulgated Federal criteria for nutrients in Arizona. The criteria consisted of numeric ambient water quality criteria for nutrients for eleven river segments and narrative water quality criteria for nutrients applicable to all surface waters in Arizona. Arizona has adopted its own numeric and narrative water quality criteria for nutrients, which EPA has approved. Arizona has also established implementation procedures for its narrative nutrient water quality criteria. Therefore, EPA determined that the promulgated criteria for Arizona are no longer needed. This rule is effective 8 December 2003. For further information, contact Gary Sheth, EPA at (415) 972-3516, or e-mail: sheth.gary@epa.gov.

PROPOSED PERMIT – AZPDES DE MINIMUS GENERAL PERMIT – The Arizona Department of Environmental Quality (DEQ) has proposed a De Minimus General Permit that authorizes the discharge of pollutants associated with potable and reclaimed water systems, subterranean dewatering, well development, aquifer testing, hydrostatic testing of specific pipelines, residential cooling water, charitable car washes, building and street washing, dechlorinated swimming pool water, and other short-term or low volume discharges when approved by DEQ. De minimus discharges are discharges that contain only relatively low levels of pollutants and are of limited frequency and duration. Authorization under this permit will require the operator of the discharge facility to implement various best management practices and conduct discharge monitoring based on the type of discharge activity and the type of receiving water. For more information, contact Chris Varga at (405) 702-5155, or link: <http://www.adeq.state.az.us/environ/water/permits/download/demiperm1.pdf>.

Legislative Developments

The 2003 legislative session began 12 January and ended 23 May. A summary of significant environmental bills that were passed and signed was included in the June Review. For more information on the legislative session, link <http://www.azleg.state.az.us>. The 2004 legislative session convenes 12 January.



CALIFORNIA

Regulatory Developments & Other State Information

GOVERNOR HALTS ALL PENDING STATE REGULATIONS – Governor Arnold Schwarzenegger has halted all pending State regulations while he reviews how the new rules impact California's businesses. The Governor ordered (1) the immediate return of any proposed regulation to the Office of Administrative Law (OAL) for 180 day review; (2) a hold on processing of any proposed regulatory action, including emergency regulations for 180 days; and (3) suspension or postponement of the effective date of any adopted, amended, or repealed regulations published in the California Regulatory Notice Register but not yet effective. Additionally, by 17 February 2004, the OAL is required to submit a report on all regulations adopted, amended, or repealed by each Agency since 6 January 1999 to the Legal Affairs Secretary which addresses: (1) the impact of the adopted, amended, or repealed regulations on California businesses; (2) the authority for the adopted, amended, or repealed regulations; and (3) conformity of the adopted, amendment, or repealed regulations with the criteria set forth in California Government Code section 11349.1 of necessity, authority, clarity, consistency, reference, and non-duplication. For more information, link: <http://www.nbcsandiego.com/politics/2644853/detail.html>.

AIR INFORMATION:

DIRECT FINAL RULE – SAN DIEGO & SAN JOAQUIN VOC EMISSIONS - On 14 November 2003 (68 FR 64537), EPA took direct final action to approve revisions to the San Diego County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from the metal parts and aerospace coating industries. EPA is approving local rules that regulate these emission sources under the Clean Air Act. This rule will be effective on 13 January 2004 without further notice, unless EPA receives adverse comments by 15 December 2003. If EPA receives such comments, it will publish a timely withdrawal in the Federal Register to notify the public that this rule will not take effect. For further information, contact Jerald Wamsley, EPA at (415) 947-4111, or e-mail: wamsley.jerry@epa.gov.

NOTICE OF AUTHORIZATION – ENFORCEMENT OF SMALL OFF-ROAD ENGINE REGULATIONS On 21 November 2003 (68 FR 65702), EPA authorized California to enforce amendments to its Small Off-Road Engine (SORE) regulations which set new durability standards for covered engines. The California Air Resources Board (CARB) requested that EPA confirm CARB's finding that these new durability standards and other amendments to the SORE Regulations are within the scope of a prior authorization granted by EPA to CARB's original SORE Regulations in 1995. EPA determined that most of the amendments were within the scope of the prior authorization, but because the durability requirements amendments are new standards, EPA requested comments on these new standards. After completing review of these amendments, EPA authorized California to enforce the durability standards. For further information, contact Robert Doyle, EPA at (202) 343-9258, or e-mail: doyle.robert@epa.gov.

FINAL REGULATION – AMENDMENTS TO EXHAUST EMISSION STANDARDS – CARB has adopted amendments to its exhaust emission standards. The amendments include: (1) incorporation of EPA exhaust emission standards for 2008 and later model-year heavy-duty gasoline engines for carbon monoxide and particulate matter; (2) a requirement that fuel-fired heaters used in conventional vehicles meet the same standards and operational requirements as those used in zero-emission vehicles; (3) a change to the maintenance schedule for high-cost emission-related parts; and (4) a change in the test cycle for providing emission credits to vehicles using direct ozone technology. The amendments were effective 4 December 2003. For more information, contact Paul Hughes at (626) 575-6977, or link: <http://www.arb.ca.gov/regact/levhdg02/levhdg02.htm>.

FINAL PLAN – SOUTH COAST AIR QUALITY MANAGEMENT PLAN – The South Coast Air Quality Management District and CARB have adopted the 2003 South Coast SIP for ozone and PM10. This plan replaces the existing South Coast plans and the 2002 Coachella Valley SIP for PM10. The District incorporated all criteria pollutants, including carbon monoxide as well as ozone and its precursors and particulate matter, into the plan. The plan elements include: (1) current air quality; (2) improved emissions inventories; (3) enhanced modeling and new episodic analysis; (4) an overall control strategy comprised of the District's stationary and mobile source control measures, CARB's proposed 2003 State and Federal Strategy for the California SIP, and the Southern California Association of Governments' transportation control measures; (5) an update to the attainment demonstration for PM10, ozone, and carbon monoxide; (6) amendments to the federal Post-1996 Rate-of-Progress Plan; (7) updated motor vehicle emissions budgets for transportation conformity; and (8) separate analyses for the desert portion within the District's jurisdiction (Coachella Valley). CARB approved the SIP for the South Coast air basin on 23 October 2003 and will submit it to EPA for approval. For more information, contact Zorik Pirveysian at (909) 396-3133, or link: <http://www.aqmd.gov/aqmp/AQMD03AQMP.htm>.

WATER INFORMATION:

FINAL RULE – WITHDRAWAL OF FEDERAL WATER QUALITY CRITERIA FOR COPPER AND NICKEL IN SOUTH SAN FRANCISCO BAY – On 6 November 2003 (68 FR 62744), EPA withdrew aquatic life water quality criteria for copper and nickel applicable to south San Francisco Bay. South San Francisco Bay is the area of San Francisco Bay that is located south of the Dumbarton Bridge. On 18 May 2000, EPA promulgated Federal regulations establishing water quality criteria for priority toxic pollutants since the State had not complied with the Clean Water Act. The State has completed its adoption process to incorporate copper and nickel aquatic life water quality criteria for south San Francisco Bay and EPA has determined that the federally-promulgated copper and nickel aquatic life criteria are no longer needed. This rule was effective 6 November 2003. For further information, contact Diane Fleck, EPA at (415) 972-3480, or e-mail: fleck.diane@epa.gov.

FINAL REGULATION – LEAD AND COPPER REPORTING REQUIREMENTS – The California Department of Health Services (DHS) has adopted updates to its lead and copper reporting requirements. The updates will: (1) reorganize the reporting requirements for ease of use; and (2) adopt federal requirements published through 12 January 2000. The updates were effective 11 October 2003. For more information, contact Alexis Milea at (510) 540-2177, or link: <http://www.dhs.ca.gov/ps/ddwem/publications/Regulations/leadcopperdraft-aug2001.pdf>.

FINAL EMERGENCY REGULATION – INCREASED FEES FOR WASTEWATER DISCHARGERS – The California Water Resources Board has issued an emergency regulation to revise fee schedules for various categories of wastewater dischargers. The emergency regulations were effective 26 November 2003 and will remain in effect until revised by the Board. For more information, contact Ted Cobb at (916) 341-5171.

DEPARTMENTAL DISCUSSION – PRIMARY DRINKING WATER STANDARD FOR PERCHLORATE
The California DHS is developing a proposal for a maximum contaminant level (MCL) for perchlorate. Until the MCL is in place, DHS will continue to use a 4-microgram per liter (µg/L) action level to protect consumers. The Health & Safety Code requires DHS to establish a contaminant's MCL at a level as close as is technically and economically feasible to its public health goal (PHG), while placing primary emphasis on the protection of public health. The PHG is the chemical's concentration in drinking water that does not pose any significant risk to health. Once the PHG is established, DHS will proceed with formal rulemaking. For the proposed regulation, DHS will evaluate the technical and economic feasibility of regulating perchlorate. Technical feasibility includes an evaluation of commercial laboratories' ability to analyze for and detect perchlorate in drinking water, the costs of monitoring, and the costs of treatment required to remove perchlorate. DHS will be proposing a MCL for perchlorate in 2004. Until the MCL is in place, DHS will continue to use a 4µg/L action level to protect consumers. For more information, contact Alexis Milea at (510) 540-2177, or link: <http://www.dhs.cahwnet.gov/ps/ddwem/chemicals/perchl/perchlindex.htm>.

Legislative Developments

The 2003 legislative session began 7 January and ended 12 September. A summary of significant environmental bills that were passed and signed was included in the November Review. For more information on the legislative session, link <http://www.leginfo.ca.gov/index.html>. The 2004 legislative session convenes 5 January.

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HAWAII

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Regulatory Developments & Other State Information

No significant regulatory activities to report.

Legislative Developments

The 2003 legislative session began 15 January and ended 1 May. A summary of significant environmental legislation that was enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.capitol.hawaii.gov/sessioncurrent/bills>.



NEVADA

Regulatory Developments & Other State Information

FINAL REGULATION – DESIGNATION OF NOXIOUS WEEDS – The Nevada Department of Agriculture has adopted a listing of several plant species as noxious. Listing these weeds assists in limiting the distribution of these weeds and thereby reducing their adverse impact on Nevada. Control efforts will decrease spread and introduction into uninfested areas. The listing was effective 26 September 2003. For more information, contact Robert Gronowski at (775) 688-1180, or link:

<http://www.leg.state.nv.us/register/02TempRegister/T024-02V1.html>.

Legislative Developments

The 2003 legislative session began 3 February and ended 2 June. A summary of significant environmental bills that were enacted and signed was included in the July Review. For more information on the legislative session, link <http://www.leg.state.nv.us/>. Nevada will not have a regular legislative session in 2004.

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